

2015-03927 / Court: 295

CAUSE NO. \_\_\_\_\_

CHRIS L. MCCLURE,

*PLAINTIFF*

§

IN THE DISTRICT COURT

§

VS.

§

\_\_\_\_ JUDICIAL DISTRICT

§

MIDLAND CREDIT MANAGEMENT, INC.,

*DEFENDANT*

§

HARRIS COUNTY, TEXAS

§

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE COURT:

COMES NOW, CHRIS L. MCCLURE, Plaintiff in the above in the above entitled and numbered cause, filing this, their Original Petition complaining of Defendant MIDLAND CREDIT MANAGEMENT, INC. and for causes of action and grounds for relief would respectfully show the following:

I. DISCOVERY

1. Discovery in this case is intended to be conducted under Level 2 of Rule 190 of the Texas Rules of Civil Procedure 190.3.

II. REQUEST FOR PARTIES AND SERVICE

2. Plaintiff, CHRIS L. MCCLURE is a resident of Harris County, Texas.

3. Defendant, MIDLAND CREDIT MANAGEMENT, INC. is a foreign corporation doing business in the State of Texas and may be served through its' registered agent, Service Company dba CSC- Lawyers Incorporating Service Company, 211 E. 7<sup>th</sup> street, Suite 620, Austin, Texas 78701-3218. Citation is requested at this time.



### **III. JURISDICTION AND VENUE**

4. Plaintiff is a resident of Harris County, Texas. Additionally, all or a substantial part of the actions, events, or omissions giving rise to this cause of action occurred in Harris County, Texas. The property made the subject of this suit is located in Harris County, Texas and the contract entered into was in Harris County Texas. Therefore, pursuant to Civil Practice & Remedies Code Sections 15.002(a) (1) and 15.002(a) (2), venue is proper in Harris County, Texas.

5. Jurisdiction is proper in the County Court of Harris County, Texas because this matter involves an amount in excess of the minimum jurisdictional limits of this Court and involves issues in controversy that are within the jurisdiction of this Court. The damages sustained is due the false reporting by Defendant of an account on Plaintiff's credit, not providing accurate information, refusing to produce original documents from the original creditor and refusing to correct the credit report. Damages suffered are approximately \$282,000.00.

### **IV. NOTICE AND CONDITIONS PRECEDENT**

7. All conditions precedent necessary to maintain this action have been performed, have occurred, have been waived, or are excused.

### **V. Background Facts**

8. Plaintiff entered into a contract to purchase a house early December 2014. The only issue on Plaintiff's credit report was the account reported by Defendant.

9. Plaintiff contested the account reported by Defendant, and required strict information as to the account. Plaintiff's first correspondence dated December 11, 2014, information

was provided to Defendant regarding the false information reported to Experian, Equifax and Transunion. There was no original creditor listed on the credit report for the account, it did not state that the account was a purchased account and it showed that the date the account was opened was 2009. Upon contacting Defendant they stated that the account was opened in 2004, with a first delinquent date of 2009. After the December 11, 2014 correspondence, Plaintiff's credit report was updated to the date the account was opened being February 1, 2012. Further it shows it is an open account, when in fact it is a purchased close account. Currently the credit report shows that the account was opened in 2012 and was last active 12/2014.

10. On December 16, 2014, a second letter was faxed to Defendant pointing out again the discrepancy and false reporting on the Plaintiff's credit report. Plaintiff further requested copies of the original billing statements from the original creditor, the original contract evidencing Plaintiff's signature on the contract for the card, the original creditor's payment records and items purchased. Defendant provided a computer print out with its late charges and finance charges. Defendant did not produce the requested documents. Defendant responded with a letter stating that they did not understand the dispute.

11. Defendant has not provided proof of this debt as requested.

12. Plaintiff has made several attempts to request that Defendant correct this problem but there has been no corrective actions taken.

13. Plaintiffs have incurred attorney's fees in the approximate amount of \$15,000 through trial.

## **VI. CAUSES OF ACTION**

### **COUNT 1: VIOLATION OF THE FAIR CREDIT REPORTING ACT**

14. Plaintiffs re-allege and incorporate by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

15. Defendant has and continues to report fraudulent information on Plaintiff's credit report, refuses to correct the mistakes after it has been pointed out that the wrong date the account was opened was reported, the account has not been confirmed and Defendant does not show that they purchased the account.

16. Plaintiff has requested that Defendant fix the mistakes and provide proof of the debt but Defendant has failed to do both.

17. Defendants' breach caused injury to Plaintiff, which resulted in the following damages:

A. Loss of the purchase of a house in the approximate value of \$25,000 in reductions made on the house contract but was to close by December 31, 2014;

18. Plaintiffs' seek unliquidated damage within the jurisdictional limits of this court.

19. Plaintiffs' seek liquidated damages in the amount of at least \$25,000, plus interest from December 1, 2014 to the time of judgment and post judgment interest.

#### V. ATTORNEY'S FEES

20. Plaintiff is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code Chapter.

#### V. REQUEST FOR DISCLOSURE

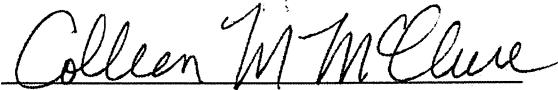
31. Pursuant to Rule 194 of the TRCP, you are requested to disclose, within fifty (50) days service of this request, the information or material described in Rule 194.2.

**VI. PRAYER**

**WHEREFORE**, premises considered, Plaintiff **CHRIS L. MCCLURE** pray that Defendant be cited to appear and answer herein and that upon hearing and trial of this matter have judgment against Defendant for all causes of action claimed herein including actual and consequential damages, exemplary damages, attorney's fees, pre-judgment and post-judgment interest at the maximum lawful rate, costs of court, attorney's fees and any such other and further relief to which they may be entitled, either at law or in equity.

Respectfully submitted,

COLLEEN M. MCCLURE  
ATTORNEY AT LAW

By: 

Colleen M. McClure

SBN: 24012121

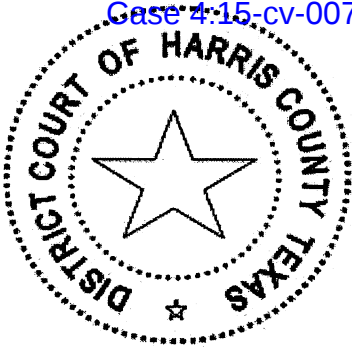
3648 Cypress Creek Parkway, Suite 229

Houston, Texas 77068

Telephone: (281) 440-1625

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**ATTORNEY FOR PETITIONER**



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office this March 18, 2015

Certified Document Number: 63962095 Total Pages: 5

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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